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*Attorneys for Lead Plaintiff Bradley Sostack*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION,

This Document Relates To:  
ALL ACTIONS

Case No. 18-cv-06753-PJH

**DECLARATION OF NICHOLAS N.  
SPEAR IN SUPPORT OF  
STIPULATION AND [PROPOSED]  
ORDER TO EXTEND TIME OF  
MOTION FOR RELIEF FOR  
DAVID SCHWARTZ AND ETHAN  
BEARD  
[PURSUANT TO L.R. 6-2(a)]**

1 I, Nicholas N. Spear, hereby declare as follows:

2 1. I am a member in good standing of the bar of the State of California, an associate  
3 with the law firm of Susman Godfrey L.L.P., and counsel of record for Lead Plaintiff Bradley  
4 Sostack. I have personal knowledge of the facts set forth herein, and if called as a witness, would  
5 testify competently thereto.

6 2. Pursuant to Northern District of California Civil Local Rule 6-2(a), I make this  
7 declaration in support of the “Stipulation and [Proposed] Order to Extend Time of Motion for  
8 Relief for David Schwartz and Ethan Beard.”

9 3. On April 28, 2022, the Court issued an order requiring that Defendants Ripple Labs  
10 Inc, XRP II, LLC, and Bradley Garlinghouse (collectively, “Defendants”) produce “all documents  
11 and written discovery produced in *Securities and Exchange Commission v. Ripple Labs, Inc.*, 20  
12 Civ. 10832 (AT), S.D.N.Y) (the “SEC Action”).” Dkt. 167 (the “Order”).

13 4. Also pursuant to this Order: “Within seven (7) days of the issuance of this order,  
14 Plaintiff must provide notice to all third parties who have not consented to production pursuant to  
15 section 9 of the protective order in this action and paragraph 23 of the protective order in the SEC  
16 Action, along with a copy of this order. Any third party who does not consent to production must  
17 notify both Plaintiff and Defendants of their intent to object within fourteen (14) days of receipt  
18 of such notice, and must file any motion for relief from this Court within twenty-one (21) days of  
19 receipt of such notice. Prior to the filing of any request for relief from this Court, the moving third  
20 party must meet and confer with Plaintiff in good faith.” *Id.*

21 5. Plaintiff provided notice to third parties David Schwartz and Ethan Beard on May  
22 4, 2022. Mr. Schwartz and Mr. Beard provided their notice of intent to object on May 17, 2022.  
23 Pursuant to the Order, any motion for relief from Mr. Schwartz and Mr. Beard is due on May 25,  
24 2022.

25 6. Plaintiff’s counsel and counsel for Mr. Schwartz and Mr. Beard had a telephonic  
26 meet and confer on May 19, 2022 and have also met and conferred over email.

27 7. Plaintiff believes that additional meeting and conferring may obviate or limit the  
28 need for relief from the Order. Based on communications with Mr. Schwartz’s and Mr. Beard’s

1 counsel, Plaintiff understands that they also believe that additional time for meeting and conferring  
2 is warranted.

3 8. The parties therefore stipulated to an extension of the time for Mr. Schwartz and Mr.  
4 Beard to file a motion for relief from May 25, 2022 to June 1, 2022, and request a Court order  
5 entering the stipulation pursuant to Local Rule 6-2.

6 9. Pursuant to Local Rule 6-2(a)(2), Plaintiff and Defendants have previously  
7 requested two modifications to the case schedule since the Court issued its Pretrial Order (Dkt.  
8 125). *See* Dkts. 157, 169. The first was granted as modified by the Court. *See* Dkt. 158. The second  
9 was a similar request for an extension of the deadline for a motion for relief in the Order, which  
10 the Court granted. *See* Dkt. 170. Mr. Schwartz and Mr. Beard have not previously requested a time  
11 modification.

12 10. The extension requested by the parties will not affect the case schedule.

13 I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing is true and correct.

15 Executed this 24 day of May, 2022, at Los Angeles, California.

16  
17 /s/ Nicholas N. Spear

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